Hyd 35-35(1-2)

App. F. IX-4

~~Uoc~~ PB 24-33-19

Previous References

PP 41-30-1
" 74-31 (1-6)
" 34-33-1
" 9-31-17

Letter References.

1933

File No. 28-33

Serial Nos. 1

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One

Part B for August 1933

SUBJECT

Establishment of Office of Deputy Collector
Modification of Rules and Regulations

The ysore egislative Council
ecember 1933

Resolutions.

o. 7.- hat this Council recommends to the Govt. of his Highness the Maharaja that the prevailing rents may be suitably modified to be in consonance with the times

over. - r. K. Chengalaraya Reddy.

A Resolution for repealing the Press Law has been tabled on the budget session of L.C in this year and was not taken up. It has been decided at the time to oppose the resolution. (Haq 31)

There was also an interpellation in June 1933 in the L.C also in the course of discussion question when the announcement of the Law was suggested, it was stated that the conditions are some what abnormal and not suited for taking up ---------nsideration at the same time (Vide Mr. Sinha

Bms
27/11/33
DRK

4263

2 Mr Chaudhuri in a speech in reply, the Act the Act for of the R.A The Diwan was that he thought it would be better to have the Enquiry

3) The resolution may be opposed

Chief Secretary) / Mr Chaudhuri 29/11 29/11/33

Serial No.

If I remember right the Dewan President said that we must examine the question of increasing the Bar Income Tax (providing for taking account of) the report of the discussion

5) The report of the discussion at the last R.A Session is at flag U. During the speech of Mr. T. Bashyam Iyengar, The President questioned if the Speaker would support Press Law similar to the one in Br. India

First Member 6.11.33

6) I think we may prepare a bill on the lines of the Br. Indian Law & place before the R.A. R.C. in due course

by
Dewan 3/(11/33)

RB
This Sir's approval must 4/12
obtained & this Member's
suggestion.
on the Lines mentioned of
B. I. Press Law.
I feel it ob h wch to insert
upon previous permission be
obtained as now. This
h Law, is not necessary and
British I. Law

OFFICE OF THE MEMBERS OF COUNCIL
3 DEC. 1933
No. 4294

3) L.C. Production ... tification ...
Press Laws

File No. of 193

General and Revenue Secretariat.

Serial No.

for perusal

(1st Member)

11/12/33

seen Please take a tentative reply

by
14/12/33

RG
(14)

OFFICE OF THE
FIRST MEMBER OF COUNCIL
11 DEC. 1933
No. 4466

OFFICE OF THE
FIRST MEMBER OF COUNCIL
14 DEC. 1933
No. 4466

10)
D.F.N. Sahib

14/12 ... D.F.N
(1st Member)

14/12/33

F.N. signed by Member

D. N. ...

Final Note by the First Member of Council.

Subject:—

Modification of Press Law.

(2)

These papers relate to the Resolution proposed by Mr. K. Chengalraya Reddy to be moved at the ensuing Session of the Legislative Council which commences on the 18th instant recommending that "the prevailing Press Law (Mysore News Papers Regulation, 1908) be suitably modified to be in consonance with the times'.

There have been frequent demands both in the Representative Assembly and in the Legislative Council for the repeal of the existing Regulation and for a modification of the law.

The matter having come up again, I am of opinion that we may promise to prepare a bill on the lines more or less of the British Indian law and place it before the Representative -- Assembly and Legislative Council in due course. The Dewan has approved of this and added that the provision for previous permission being obtained to the publication of a newspaper should be retained.

Gracious sanction of His Highness is solicited to action being taken as indicated above.

Bangalore,
15th December 1933.

MEMBER OF COUNCIL.

Submitted to His Highness.

13 I submit herewith a Final Note by the First Member of Council regarding the modification of Press Law,

for His Highness' gracious approval.

Ilbr M
van
16-12-33

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Modification of Press Law.

Order.

~~KRW~~

19/12/33

Resolution Re Modification of Press Regn Act

General and Revenue Secretariat	File No.	of 193	(Ann. F. III—2

Serial No.

17) The Resolution was not taken up. Under the circumstances this file is submitted for orders as to whether any further action is necessary or not.

Done 29/12 18) A draft Bill may be prepared & submitted after the Members return Dec 29/12/34

19) The Govt. may be requested to put up the file relating to the draft amendment of the Indian Newspapers Regn which was dropped (CB file 38-30) pp 89-30.

Done 9.1.34 The Supt CB, with Compliments

M S R

9.1.34

20) Confidential Collection No 38-30 (pp 89-30-1) is put up

S

10/1/34

CPOL

21) The Course of Legislation in this matter is contained in the following Acts:-

1 The Press & Registration of Books Act (XXV of 1867)

2 The Press Laws Repeal and Amendment Act (XIV of 1922)

The Indian Press (Emergency Powers) Act .... and the Criminal Law Amendment (XXIII of 1932)

The enactments in force here are -

1 The Press & Registration of Books Act 1867; and

2 The Ceylon Newspaper Regn. III of 1908

(22)

The first Ordinance requires that no person shall keep a press without making a declaration before a Magistrate that the names of the printer & place of printing, of the publisher & place of publication should be printed on the book or paper, that no periodic work containing news should be published unless the printer and publisher have made declarations before a Magistrate and that it lays down a penalty for contravention of a fine not exceeding Rs 5000 or simple imprisonment not exceeding two years or both. The second lays down that the

28) A resolution suitably modifying the prevailing Press law in the State was proposed to be moved in the Legislative Council at the December session of 1933. Government was of opinion that if the resolution came up for discussion, it might be promised that a bill on the lines of the British Indian law would be placed before the Legislative Council in due course. The resolution did not come up for discussion in the Legislative Council. The present law in British India for regulating the Press is contained in the Indian Press (Emergency Powers) Act, 1931, as amended by the Criminal Law Amendment Act, 1932. This is in force for 3 years and is due to expire on 18th December 1935. The history of press legislation in British India is briefly as follows:-

29) In 1910 the Indian Press Act was passed providing for the better control of the Press. It provided for the taking of security deposits from printers and publishers of newspapers and for forfeiture of deposits in case of certain matter published considered as offensive. This Act was repealed in 1922. In 1931 the Indian Press (Emergency Powers) Act was passed to provide against the publication of matter inciting to or encouraging murder or violence. This was almost similar in its provisions to the Act of 1910 which had been repealed. This provided for the control of printing presses and newspapers in British India by requiring them to make deppsits of security and providing for forfeiture of deposits in the

NOTE—Contn. Sheet.

the case of offensive publications tending to incite the commission of cognizable offences and for penalties in the case of unauthorised publications. This was an emergency Act in force for one year. Then, the Criminal Law Amendment Act, 1932, was passed. It provided for the continuance of the Emergency Act of 1931 for three more years. It also extended the scope of that Act, bringing within the list of offensive publications entailing forfeiture of deposits such things as sedition, seduction of soldiers, promotion of feeling of hatred between communities, etc. The main provisions of this Act are as follows:

1. Any person keeping a printing press may be required by a Magistrate to deposit security up to Rs.1,000/-.

2. Government may, if it finds that any printing press is used for publishing any newspaper or document containing offensive matter, require the keeper of the Press to deposit security not less than Rs.500 and not more than Rs.3,000/

3. If the Government finds that any printing press in respect of which a security has been ordered is publishing offensive matter, it may order forfeiture of the security, the press, and copies of such newspaper, document, etc.

4. If, after forfeiture, a fresh declaration is made by the keeper of the press, a security of between Rs.1,000 and Rs.10,(may be required to be made.

5. For similar offences, this further security may also be forfeited.

6. There are similar provisions in regard to the publisher of a newspaper.

7. The keeping of a press or publishing a newspaper without making the deposit ordered is penalised. If the press is used without making the deposit, it may be forfeited.

8. There is provision to authorise the publication of news sheets and power to seize and destroy unauthorised news sheets and to seize and forfeit presses producing unauthorised news sheets.

9. Dissemination of unauthorised news sheets and newspapers is also penalised.

30) This Act of 1932 is, as stated above, due to expire on 18th December 1935. In the meanwhile the Government of India have called for the views of the Indian States in regard to the desirability of its continuation or otherwise. We have replied that it is desirable to retain the special powers for the control of the Press and that no amendment to or modification of the existing provisions appears to be necessary.

31) It is reported in the papers that the Government of India have introduced, in the present session of the Legislative Assembly that is sitting, a bill for making permanent the Criminal Law Amendment Act which also contains provisions for regulating the Press.

32) It may be observed that our Newspapers Regulation is simpler in working and operates less harshly upon

Vide linked file. I wonder why he did not — we are not hard. M 9-9-33

Modification of the Indian Newspapers Regulation 1499/35

15) The Indian Newspapers Regulation

File No. of 193 . | General and Revenue Secretariat

printers and publishers of newspapers. All that they have got to do is to obtain permission from the Government for printing and publishing. The penalty of deportation which remains on the statute does not appear to have been resorted to even in a single instance. Further, even if deportation is ordered, transference to the Civil and Military Station limits will satisfy the law. Under the British Indian law, the printer and the publisher have to deposit security to the extent of Rs.10,000 which is liable to forfeiture. Very few of the local presses will be capable of depositing such security. There are also penalties involving imprisonment. It may not after all be an advantage from the point of view of the Presses to exchange the British Indian law for the law as it exists here now.

33) We may therefore perhaps await the final form that the bill before the Legislative Assembly will shape into and then consider the lines of legislation we should adopt if necessary.

(A draft of a Bill on the lines of the Act of 1932 is also put up) flag S'

OFFICE OF THE FIRST SECRETARY SIMLA 7 SEPT. 1935 No. 907

A

Chief Secretary) 1991

Secy

34) A. Lapse 8/9

C 5/9/35

1st C 7/9

C 5/9/35

CHIEF SECRETARY'S OFFICE 5 SEP. 1935

DEWAN'S OFFICE 9 SEPT. 1935 No. 706

H-9-35

KH 10/9

C 10/9

1499

Modification of The Mysore Newspapers Regulation

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

36) The Publicity Officer may kindly be requested to furnish us cuttings pertaining to this Bill pending consideration in the Legislative Assembly

Dom
12/9/35
MSK
Publicity Officer)

37) Extract taken and the file returned.

H.P.
12/9/35. Protection Branch (W.C.)

38) The Assembly having rejected the Criminal Law Amendment Bill, the Bill was certified by the Governor-General and brought up before the Council of State & passed by that body on 26th Sept 1935. (Vide enclosing Govt. of India Gazette of 28.9.35 - Underlined for perusal.

Dom
28.11.35

39) The Criminal Amendment Bill does not yet appear to have been published in the Gazette as an Act

Flag P
Vol No 9 of 7 pp 51 to 54
Gazette of India dt 28.10.35

NOTE—Contn Sheet.

03594—GPB—30,000—18-7-35

Re. the Seditious News-papers Regulation

File No. of 193 | General and Revenue Secretariat

Bill passed by the Governor General
& passed by the Council of State. If
approved we may await its promulgation before
considering further action.
The Act of 1932 will expire early
18th Dec 1935

Chief Secretary) (40) Ce 28/11/35

CHIEF SECRETARY.
28 NOV. 1935

41) Hm 30.11.35

(42) Then put up with the C. Law Amendment Act as soon as it is published

Ce 30/11

43) The enc. Law Amendment Act has been passed into law. Should circumstances require the Act, the Indian Press Act 1931 & enc. Law Amendment Act Dec 1932

Ce 2/12

Re the Mysore Newspapers Regulation

18

44) The question for consideration is whether we should repeal the Newspapers Regulation of 1908 known as the Press Law and replace it by another on the lines of the British Ihdian Law. When a resolution was tabled for the session of the Legislative Council of December 1933, that the prevailing Press Law be suitably modified to be in consonance with the times, Government tentatively decided that if the resolution was moved "we may promise to prepare a Bill on the lines more or less of the British Indian law and place it before the Representative Assembly and the Legislative Council in due course and that the provision for previous permission being obtained to the publication of a newspaper should be retained." The resolution did not come up for discussion and no promise was made.

45) Then, the amendment of the Press Law in British India which formed part of the Criminal Law Amendment Acts of 1931 and 1932 which were due to expire at the end of 1935 was under the consideration of the Government of India. Ultimately the bill for making permanent the Criminal Law Amendment Act of 1932 was placed before the Legislative Assembly in the latter part of 1935 and it became law under the certifying powers of the Governor-General.

46) The history of the Press Law in British India is given in my notes at paras 28 to 32 supra. The main provisions of the Press Law as embodied in the Criminal Law Amendments Acts of 1931 and 1932

which have become permanent are noted at the end of of para 29 above.

4) The manner in which the British Indian Act is set in operation is as follows:

1. Whenever the keeper of a printing press or publisher of a newspaper appears before a Magistrate to make the declarations required under the Press and Registration of Books Act, 1867, the Magistrate may require him to deposit a security not exceeding Rs.1,000/ . If the security is not ordered to be forfeited by Government within 3 months, the security will be refunded.

2. Where a Magistrate does not order security or where it has been refunded, the Gover ment may require a keeper of a press or publisher of an a newspaper to deposit security from Rs.500 to Rs.3,000 if it appears to Government that it is used for publishing offensive matter of the nature described in Section 4 (such as sedition, seduction of military, promotion of communal animosity, incitement to murder etc)

3. If it appears to Government that the press or newspaper, in respect of which security has been ordered to be deposited by the Magistrate or the Government, publishes offensive matter, the security may be forfeited and if no security has been deposited the press may be forfeited The forfeiture entails also annulment of the declaration made under the Press and Registration of Books Act of 1867.

4. Where a security in respect of a press or

or newspaper has been forfeited, any person making a fresh declaration in respect of such press or newspaper shall deposit a security of an amount between Rs.1,000 and Rs.10,000/-

5. If the press or the newspaper is again used for printing or publishing offensive matter, the Government may forfeit the further security and the fresh declaration shall be annulled.

6. Where such fresh declaration is annulled in respect of a ~~news~~ newspaper, no further declaration in respect of such newspaper shall be made save with the permission of the Government.

7. The penalty for keeping the press or publishing the newspaper without making deposit which is ordered, is the same as the penalty to which he would be liable if he had failed to make the declaration required under the Press and Registration of Books Act, i.e., two years imprisonment ~~with~~ or a fine of Rs.5,000/- or both

8. If a press which is required to make a deposit publishes a newspaper without making the deposit, it is liable to be forfeited. Failure of the newspaper to make the deposit annuls the declaration.

9. A Magistrate may authorise any person to publish a news-sheet. Unauthorised news-sheets and newspapers may be seized and destroyed

10. A press printing unauthorised news-sheets and newspapers may be seized and forfeited.

Disseminating unauthorised news-sheets and newspapers is also penalised.

11. Appeal is provided to the High Court against certain orders.

48) It will be seen that the provisions under the British Indian Act operate more harshly and are more rigorous than ~~the~~ our present law. Deposits of Rs.10,000 may be required and they are liable to forfeiture. And breaches entail imprisonment and fine upto Rs 5000 as punishment. The fact that a press or a newspaper has to make a deposit of security at the time it makes a declaration is almost equivalent to obtaining permission for the printing and publica ~~of a newspaper. It is neither simpler nor less troublesome than obtaining permission from the Government.~~

49) Our Newspapers Regulation is simpler in operation and does not operate harshly on newspapers. All that they have got to do is to obtain previous permission from the Government for printing and publishing. The only penalty provided in the Regulation for publication without permission is deportation. This penalty does not appear to have been enforced ~~even in the Restrictive times~~ even once. All that happens (is in practice) ~~that~~ when a newspaper or press published offensive matter, ~~is~~ the permission is withdrawn. Thereafter it desists from publicat ~~It cannot be to the advantage of the press if newspapers have to discharge for the existing~~

Serial No.

DEWAN'S OFFICE
APR. 1937
4544

that a bill might be prepared was not moved in the Legs Cl and so there was no occasion for a debate & Expressions of opinion on the subject

60) Meanwhile a bill was prepared & it is for be decided what is to be done There is no doubt that we moved in the office notes that our legn Simpler & more less harsh than the present British Ind Act & the General public may not worry in exchange one for the other A few casual opinions expressed during debates in the last few years seemed to show no preference & the complicated British Indian Act The only useful provn is the appeal to the High Court in certain cases

61) On the whole we may perhaps wait for the forth coming sessions of the L A & L C & decide on the course of action if any is called for afterwards Therefore we have to place a bill before the L A this Session which does not appear to be called for

NOTE—Contn. Sheet.

WD 0417--GPS—30,000—8-9-36

Secy) 6/4 13/4

WD/Rule 22-4-37 MS 24/4 WD 21.4 MS 20/4

Mysore Newspaper Regulation

File No. of 193 | General and Revenue Secretariat

Serial No.

(8th member)

Sub. in reference to para 61

In the file re measures in the legislative programme the 8th member has ordered that it is not intended to push through this bill at present

Sd 27/2/37 Sub. & omitted Sd the bill

Sd 8/4.

Contract of new orders in the file re legislative programme.

It approved further action regarding the Press Bill may be held for the present"

Sd/- A. S. R 10/8

Sd/- S. P. R 12/8

The file may be recorded

Sd/- A. S. R 12/8

4546 03/

Mr S.G

If these Sections are taken from the B.G. Act should note against each Section the Corresponding B.G. Act Section

S.2

The corresponding Sections of the B.G. Acts are noted against each

H.W S. Acts XXIII of 31 & XXIII of 32

SG 6/2

SEPTEMBER 28. 1935

A Lost Opportunity

Newspapers have in various ways signified their protest against the passing by the Council of State of the Criminal Law Amendment Bill, which now becomes an Act. The measure places in the hands of the executive considerable powers which, we hope, will be used only when absolutely justified. The strength of non-official feeling against the Bill was amply demonstrated in the Assembly; where the Lower House erred was in refusing to consider the measure. Since the Government of India were evidently convinced that the old Act, which received the sanction of a previous Assembly, was essential in an amended form, the opposition should have tried to secure modification of some of its provisions. That there is room for modification we do not doubt. As it is, the Bill now becomes law in its original form and the opportunity of bringing it more into line with popular sentiment has been lost. That is a misfortune for which the Congress and the Independents in the Assembly must be held blameworthy

An ~~Regulation~~ to provide for the ~~effi-~~ cient control of the publication of ~~matter relating to~~ news-papers and other printed works containing public news.

PREAMBLE

Whereas it is expedient to provide for the efficient control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows:-

SHORT TITLE & EXTENT

I. (1) This Regulation may be called the Mysore News Papers Regulation, 193

(2) It extends to the whole of Mysore.

DEFINITIONS.

2. In this Regulation, unless there is any-thing repugnant in the subject or context,-

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(3) "Magistrate" means a District Magistrate ~~or a Magistrate of the First Class;~~

(4) "newspaper" menas any periodical work containing public news or comments on public news;

(5) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 5;

(6) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(8) "unauthorised newspaper" means--

(a) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, and

(b) any newspaper in respect of which security has been required under this Regulation, but has not been furnished as required;

(9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 16 to publish it; and

(10) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867 as in force in Mysore.

CONTROL OF PRINTING-PRESSES & NEWSPAPERS.

Deposit of security by keepers of printing-presses.

(1) Any person keeping a printing-press who is required to make a declaration

declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing-press, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any printing-press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 5 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing-press ~~kept in any place in the territories under its administration~~, in respect of which security under the provisions of this Act has not been required, or having been required has been

has been refunded under sub-section (2), is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature ~~dxxxxx~~ described in section 5, sub-section (1), the Government may, by ~~xkx~~ notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security or press forfeited in certain cases.

et xxiii of 31 34.

5. (1) Whenever it appears to the Government that any printing-press in respect of which any security has been ordered to be deposited under section 34 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which --

(a)

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, ~~or~~

Added by Act-XXIII of 32 (M.S.) S. 16

or which tend directly or indirectly -

(c) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or any police officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty, the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India ~~or~~ subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments , or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land

land revenue, tax, rate, cess or other due or amount payable to Government or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce ~~or~~ a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

(i) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, or in any police force, or to prejudice the training, discipline or administration of any such force,

~~the~~ the Government may, by notice in writing to the keeper of such printing-press, stating or describing the words, signs or visible representations which in its opinion are of the nature described above,--

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

(ii) where security has not been deposited, declare the press to be forfeited to Government,

and may also declare all copies of such ~~news~~ newspaper, book or other document wherever found in Mysore to be forfeited to Government

Explanation. (1) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this subsection unless it has the tendency described in clause (a).

(2) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub section.

(3) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

(4) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King Emperor of India or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (h) of this sub-section.

(2) After the expiry of ten days

from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867 as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

Ref x XIII of 31
S. 5

6. (1) Where the security given in respect of any press or any portion thereof, has been declared forfeited under section 5 or section 7, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 5 or section 7, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section(1).

Power to declare further security and publications forfeited.

7. (1) If after security has been deposited under section 6, the printing-press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the ~~Local~~ Government, are of the nature described in section 4, sub-section (1), the Government may, by notice in writing to the keeper of such printing-press, stating or describing such words, signs or visible representations, declare-

(a) the further security so deposited, or any portion thereof, and

(b) all copies of such newspaper, book or other document ~~xxxx~~ whereever found in Mysore

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867 as in force in Mysore, shall be deemed to be annulled.

Deposit of security by publisher of newspaper.

Act XXIII of 31 S.7.

8. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writin to deposit with the Magistrate within ten days from the day on which the declaration is

made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in secutiries of the Government of Mysore as the person making the deposit may choose;

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 9 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which security under the provisions of this Act has not been required, or having been required has been rerunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such

an amount, not being less than five hundred or more than three thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government as the person making the deposits may choose.

(4) Such notice shall appoint a date, not, being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

ower to declare ecurity forfeited ~~to~~ in certain cases.

Ins XXIII of 31

9. (1) If any newspaper in respect of which any security to be deposited under section 8 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations,-

(a) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(b) where the security has not been deposited, ~~annual~~ annual the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, and may also declare all copies of such newspaper, wherever found in Mysore to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the

publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, ~~and~~ as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

Act XXIII of 31 S.9.

10.(1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 9 or section 10, any person making a fresh declaration under section 5 of the Press and Registration of Books Act, 1867, (as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government ~~of India~~ of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 9 or section 10, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and newspapers forfeited.

Act XXIII of 31 S.10.

10.(1) If, after security has been deposited ~~ler~~ section 10, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare-

(a) the further security so deposited or any portion thereof, and

(b) all copies of such newspaper wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1) the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

11. No newspaper shall without the written permission of the Government be published, and any such permission may at any time be withdrawn by the Government.

Penalty for keeping press or publishing newspaper without making deposit.

XXIII of 31

S. 11.

12. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 4 or section 6, as required by the Government or the Magistrate as the case may be, shall on conviction by a Magistrate be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper without making a deposit under section 8 or section 10, as required by the Government or the Magistrate as the case may be, or publishes such newspaper knowing that such security has not been deposited or publishes any newspaper without the permission of the Government as required under Section 11[3] or after such permission has been withdrawn, shall on conviction by a Magistrate be liable

to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

Consequences of failure to deposit security as required.

Act-XXIII of-. S.12.

13(1). Where a deposit is required from the keeper of a printing press under section 4, such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 6, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 8 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Press and Registration of Books Act 1867 (as in force in Mysore shall be deemed to be annulled.

Return of deposited security in certain cases.

Act-XXIII of. S.13.

14. Where any person has deposited any security under this ~~Regulation~~ Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under Section 8 of the Press and Registration of Books Act, 1867, as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security;

and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

Issue of search warrant.

15. Where any printing press is or any copies of any newspaper, book or other document are declared forfeited to Government under section 5, section 7, section 9, section 10, or section 13, the Government may direct

a Magistrate to issue a warrant empowering any Police Officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises -

(i) where any such property may be or may be reasonably suspected to be, or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and news-papers.

...orisation of persons to publish news-sheets.
Act XXIII of 31
5.15

16. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

Power to seize and destroy unauthorised news sheets and news papers.
Act XXIII of 31
5.16

17. (1) Any Police Officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class may by warrant authorise any Police Officer not below the rank of Sub-Inspector to enter upon and search any place where any

any stock of unauthorised news-sheets or unauthorised news-papers may be or may be reasonably suspected to be, and such Police Officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised news-papers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-Divisional Magistr or Magistrate of the First Class, and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news sheets or unauthorised nespapers, such Magistrate or Court shall dispose of them in the manner provided in Sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

Power to seize and forfeit undeclared presses producing unauthorised news sheets and newspapers.

Act XXIII of 31
S. 17

17. (1) Where a District Magistrate or Sub Divisional Magistrate has reason to believe that an unauthorised news-sheets or an unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any Police Officer not below the rank of Sub Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such Police Officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news sheets or unauthorised newspapers.

(2) The Police Officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized:

Provided that where any press which has been seized cannot be readily removed, the

power to seize and
forfeit unreleased
property and
unauthorized news sheets
and newspapers.

the Police Officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this Section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to ~~His Majesty~~ the Government. If, after such inquiry, the Court is not of such opinion, it shall dispose of the press in the manner provided in Sections 523, 524 and 525 of the Code of Criminal Procedure 1904.

(4) The Court shall deal with documents produced before ~~Court~~ it under this section in the manner provided in sub section (4) of section ~~17~~.

Penalty for disseminating unauthorised news sheets and newspapers.
Act XXIII of 3 c 18

18. (1) Whoever makes, sells, distributes publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or news-paper, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence ~~punishable~~ shall be cognizable.

~~punishable~~ under sub-section (1), and any abetment of any such offence,
Act XXIII of 31 S. 1 (c)

Special provisions relating to the seizure of certain documents

20. ~~19~~. Where any newspaper, book or other document wherever made appears to the ~~Local~~ Government to contain any words, signs or representations of the nature described in ~~Section 4, sub section (1),~~

Penalty for dis-
emination of unau-
thorised news sheets
and newspapers.

Section 1, 2 : Contin

visible representations of the nature in
Government to contain any words, signs or
ment whereever made appears to the Local

Special provisions relating to the
seizure of certain documents

19. There any newspaper book or other

(3) Notwithstanding anything contained in
the Code of Criminal Procedure, any offence
shall be cognisable.

publishes or publicly exhibits for keeps for
sale, distribution or publication, any un-
authorised news sheet or news paper, shall
be punishable with imprisonment which may
extend to six months, or with fine, or with
both.

18. (1) Whoever makes, sells, distributes

manner provided in sub section (4) of section

(4) The Court shall with documents produc-
ed before it under this section in the
manner provided in sections 92
92A and 525 of the Code of Criminal Proced-
ure.

declare the press to be forfeited to His
Majesty. If, after such inquiry, the Court
is not of such opinion, it shall dispose of
press in the manner provided in sections 92
92A and 525 of the Code of Criminal Proced-
ure.

(4) The Court shall with documents produc-
ed before it under this section in the
manner provided in sub section (4) of section

the police officer may produce before the
Court only such parts thereof as he may
think fit.

(2) If the Court, after such inquiry
as it may deem requisite, is of opinion that
a press seized under this section is an
undeclared press which is used to produce
an unauthorised news sheet or unauthorised
newspaper, it may, by order in writing,

in Section 5, sub section (1), the ~~Local~~ Government may, by notification in the official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every ~~such~~ copy of such book or other document to be forfeited to the ~~Court~~ Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy ~~of such~~

same in any premises where any copy aforesaid
Inspector to enter upon and search for the
police officer not below the rank of Sub
any Magistrate may by warrant authorise any
may seize the same wherever found in Mysore
the Court and thereupon any Police Officer
book or other document to be forfeited to
the Newspaper and every copy of such
or Inspector, declare every copy of the issue of
Journal Reports, stating the grounds of the
Official Bulletin, stating the grounds of the
Inspector may, by notification in the
If section (1), the Sub

2/1 also in which the [illegible]
[illegible] or in which [illegible]
[illegible] shall
be transmitted. The
Post
1 ___ officer in charge
of ~~post office~~ any post office or
authorised [illegible] Post
master may act in
this behalf in any
~~case~~ ~~authorised~~
by ~~rules~~
~~or~~ ~~order~~ ~~authorised~~
~~by the Govt~~ ~~authorised~~
~~to act on behalf~~
detain any article
other than a letter
or parcel in course
of transmission
by post which he
suspects to contain
(a) any newspaper,
book or other docu-
ment containing words

Signs or symbols
that represent a word
or phrase that is used
in sections 1 to 4 of this
Section (1) or
b) which is an abbreviation
of a word or phrase
commonly used in connection with
and which is specified
by the Secretary of State
for the purposes of
this section

of such issue or any such book or other document may be or may be reasonably suspected to be.

Application to High Court to set aside order of forfeiture.
Act XXIII of 31 S. 7

~~20.~~ 25 (1) The keeper of a printing-press who has been ordered to deposit security under sub-section (3) of section 4, or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 8, or any person having an interest in any property in respect of which an order of forfeiture has been made under section 5, section 7, section 9, section 10 or section ~~19~~ 20 may, within two months from the date of such order, apply to the High Court ~~for the local area in which such order was made,~~ to set aside such order, and the High Court shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representations of the nature described in section 5, sub-section (1).

(2) The keeper of a printing-press in respect of which an order of forfeiture has been made under sub-section (2) of section ~~12~~ 13 on the ground that it has been used in contravention of sub-section (1) of that section may apply to ~~the~~ High Court to set aside the order on the ground that the press was not so used.

Hearing by Special Bench.
Act XXIII of 34 S. 24, slightly amended

~~21.~~ 26. Every such application shall be heard and determined by a ~~special~~ Bench of the High Court ~~composed of three Judges, or, where the High Court consists of less than three Judges, of all the Judges.~~ consisting of not less than two judges

Order of Special Bench setting aside forfeiture

Act XXIII of 3
S. 25

25 23 29. (1) It ~~is~~ appears to the ~~Special Bench~~ Full Bench of the High Court on an application under sub-section (1) of section 23 ~~20~~ that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 5 ~~4~~, sub-section (1), the ~~Special~~ Full Bench shall set aside the order.

(2) If it appears to the ~~Special~~ Full Bench on an application under sub-section (2) of section 23 ~~20~~ that the printing-press was not used in contravention of sub-section (1) of section 13 ~~12~~, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the ~~Special~~ Full Bench, the decision shall be in accordance with the opinion of the majority ~~(if any)~~ of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

Evidence to prove nature or tendency of newspapers.

Act XXIII of 31
S. 26

26 25. On the hearing of an application under sub-section (1) of section 23 ~~20~~ with reference to an newspaper, any copy of such news paper published after the commencement of this Act ~~Ordinance~~ may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made.

Act XXIII of 31
S. 27

27 25 ~~24~~. ~~Every~~ High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed the practice of such Court in proceedings

Procedure in High Court.

other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

Act XXIII of 31
S. 28.
Service of notices.

~~28.~~ Every notice under this ~~Act~~ Regulation shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, ~~1898~~ 1904;

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Nagpur and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

Conduct of searches.
Act XXIII of 31
29

29 ~~27. 29.~~ Every warrant issued under this ~~Act~~ Regulation shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, ~~1898~~ 1904.

Jurisdiction barred.

Act XXIII of 31
S. 30

30 ~~28~~. Every declaration of forfeiture purporting to be made under this ~~Regulation~~ Act shall, as against all persons, be conclusive evidence that the forfeiture therein ~~fx~~ referred to has taken place, and no proceeding purporting to be taken under this ~~Regulation~~ Act shall be called in question by any Court, except the High Court on application under section 23 ~~24~~, and no civil or criminal proceeding, except as provided by this ~~Regulation~~ Act, shall be instituted against any person for anything done or in good faith intended to be done under this ~~Regulation~~ Act.

Act XXIII of 31
S. 31.

31 ~~29~~. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this ~~Regulation~~ Act.

Act XXIII of 31
S. 32.

32 ~~29~~. All declarations required to be made under Section 4, Section 5 and Section 8 of the Press and Registration of Books Act of 1867 as in force in Mysore shall be made before a District Magistrate.

33 ~~30~~. The Mysore Newspapers ~~Regulation~~ Act, III of 1908, is hereby repealed.